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Persons wishing to follow ADEQ rulemaking activity and substantive policy statements should review the Arizona Administrative Register.

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AIR QUALITY DIVISION

NSPS/NESHAP/Acid Rain Update (18 A.A.C. 2, Art. 2, 3, 9, 11, and Appendix 2)

The ADEQ has updated incorporations by reference of the following federal regulations in state rules through the July 1, 2006, Code of Federal Regulations: Acid Rain, New Source Performance Standards (NSPS), and National Emissions Standards for Hazardous Air Pollutants (NESHAP).

In 2009 ADEQ will propose incorporations by reference for federal regulations through July 1, 2008.

Docket Opening: 13 A.A.R. 312; Feb. 9, 2007

Proposed Rulemaking: 13 A.A.R. 1617; May 11, 2007

Public Hearing: June 11, 2007 in Phoenix

Final Rulemaking: 13 A.A.R. 4199; Nov. 30, 2007

Effective Date: Jan. 5, 2008

Contact: Thomas Luch (602) 771-4480

New Source Performance Standard for APS Cholla Generating Station (18 A.A.C. 2, Art. 9)

ADEQ has amended R18-2-903, Standards of Performance for Fossil-fueled Fired Steam Generators, to reflect proposed changes to compliance demonstration by Arizona Public Service at the Cholla generating station resulting from the addition of air pollution control equipment to the facility.

Docket Opening: 13 A.A.R. 312; Feb. 9, 2007

Proposed Rulemaking: 13 A.A.R. 3074; Sept. 7, 2007

Public Hearing: Oct. 9, 2007 in Phoenix

Final Rulemaking: 14 A.A.R. 230; Jan. 25, 2008

Effective Date: March 3, 2008

Contact: Thomas Luch (602) 771-4480

CA Clean Car Standards (18 A.A.C. 2)

On May 6, 2008 the Governor's Regulatory Review Council (GRRC) approved ADEQ's proposed rules to adopt tailpipe emissions standards for Greenhouse Gases. More than a dozen other states have already done so, and other states that are members of the 1

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Western Climate Initiative have committed to doing so. Clean cars are already built and sold in Europe and Japan. These rules can be adopted by Arizona under Part 177 of the Clean Air Act, which allows other states to implement standards identical to California's, so long as EPA has granted California a waiver from federal preemption. About 39% of Arizona's GHG emissions are from the transportation sector.

Docket Opening: [13 A.A.R. 4331](#); Dec. 7, 2007

Proposed Rulemaking: [14 A.A.R. 258](#); Feb. 1, 2008

Public Hearing: March 3, 2008 in Phoenix

GRRC Hearing: May 6, 2008 in Phoenix. Approved 5-2 vote.

Final Rulemaking: [14 A.A.R. 2204](#); June 20, 2008

Effective Date: July 8, 2008. The rule's standards for lowering Greenhouse Gas emissions are conditional upon EPA's approval of these standards and will go into effect two vehicle model years after such approval. Model year 2012 vehicles would be the first effected by the new rules, applying California's lower emissions standards for ozone precursor chemicals and requirements to sell zero emissions vehicles in Arizona.

Contact: [Steve Burr](#) (602) 771-4251

Liquid Leaker (18 A.A.C. 2, Art. 10)

ADEQ has amended a number of rules in Article 10, Motor Vehicles, Inspections and Maintenance, in order to be consistent with ARS § 49-542 (Arizona Laws 2007, Chapter 292, Senate Bill 1552). The rulemaking requires a "liquid fuel leak" inspection for non-diesel vehicles subject to emissions testing under the Vehicle Emissions Inspection Program.

Docket Opening: [14 A.A.R. 426](#); Feb. 8, 2008

Proposed Rulemaking: [14 A.A.R. 352](#); Feb. 8, 2008

Public Hearing: March 10, 2008 in Tucson; March 11, 2008 in Phoenix

Approved by GRRC: July 1, 2008

Final Rulemaking: [14 A.A.R. 2834](#); July 18, 2008

Contact: [Bruce Friedl](#) (602) 771-2259

Air Pollution Emergency Episodes Revision (18 A.A.C. 2, Art. 2)

ADEQ is considering amending R18-2-220, Air Pollution Emergency Episodes, to incorporate the equivalent of 40 CFR Part 51, Subpart H and Appendix L, and update the comprehensive source curtailment procedure for periods of extreme concentrations of atmospheric pollutants. This rulemaking will make Arizona's standards contemporary with federal rules and is required under Section 110(a)(2) of the Clean Air Act.

Docket Opening: [14 A.A.R. 426](#); Feb. 8, 2008

Contact: [Thomas Luch](#) (602) 771-4480

Greenhouse Gas Registry and Reporting Rule (18 A.A.C. Art. 12)

ADEQ has opened a docket on a Greenhouse Gas Reporting Rule, and will begin informal stakeholder comment when the Western Climate Initiative releases its Essential Requirements of a Reporting Rule in early 2009.

Docket Opening: [14 A.A.R. 3568](#); Sept. 12, 2008

Contact: [Thomas Luch](#) (602) 771-4480

New Source Review (NSR SIP Gap and Reform) (18 A.A.C. 2, Art. 3 and 4)

ADEQ is considering amending R18-2-220, Air Pollution Emergency Episodes, to incorporate the equivalent of 40 CFR Part 51, Subpart H and Appendix L, and update the comprehensive source curtailment procedure for periods of extreme concentrations of atmospheric pollutants. This rulemaking will make Arizona's standards contemporary with federal rules and is required under Section 110(a)(2) of the Clean Air Act.

Docket Opening: [14 A.A.R. 1448](#); April 25, 2008

Anticipated Draft: Oct. 2008

Contact: [Steve Burr](#) (602) 771-4251

Motor Vehicles; Inspection and Maintenance (18 A.A.C. 2, Art. 10)

ADEQ is considering revising its current motor vehicle emissions inspection and maintenance rules to update procedures for testing diesel-powered vehicles ("snap idle" test under SAE Standard J1667), incorporate emissions testing exemptions for collectible vehicles and motorcycles (per ARS § 49-542), and to make the rules more clear and concise.

Docket Opening: pending

Anticipated Draft: Sept. 2008

Contact: [Bruce Friedl](#) (602) 771-2259

Reasonable Precautions Correction (18 A.A.C. 2, Art. 6 and 8)

ADEQ is considering proposing rules to update certain sections of Articles 6 and 8 that require non-point and mobile sources, respectively, to take "reasonable precautions" to prevent excessive amounts of particulate matter from becoming airborne. This rulemaking would replace the existing "reasonable precautions" requirement with more specific language, or examples, appropriate to each section.

Docket Opening: [14 A.A.R. 1844](#); May 16, 2008

Anticipated Draft: Jan. 2009

Contact: [Danielle Dancho](#) (602) 771-4210

Open Burning (18 A.A.C. 2, Art. 6)

ADEQ is proposing the addition of a cross reference to the Article 5 General Title V permits program for the Open Burning rule. The purpose of the revision is to bring the

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section into compliance with the new requirements of Title 40 CFR Part 60, Subpart EEEE, which mandate a Title V operating permit for incinerators under ARS § 60.2888.

Docket Opening: [14 A.A.R. 1844](#); May 16, 2008

Anticipated Draft: Oct. 2008

Contact: [Danielle Dancho](#) (602) 771-4210

Mineral Tailings (18 A.A.C. 2, Art. 6)

ADEQ is proposing to amend its current Mineral Tailings rule, R18-2-608, to clarify that tailings piles must be maintained after construction, in addition to the changes proposed in the Reasonable Precautions Correction rulemaking. Requirements for maintenance are needed due to deterioration over time due to stormwater, wind, or mechanical damage to the tailings piles.

Docket Opening: [14 A.A.R. 1144](#); April 18, 2008

Proposed Rulemaking: [14 A.A.R. 3285](#); Aug. 22, 2008

Public Hearing: Oct. 2, 2008 in Phoenix

GRRC Hearing: Jan. 6, 2009 (approved)

Contact: [Danielle Dancho](#) (602) 771-4210

NAAQS Update: PM2.5 (2006) and 8-hour Ozone (2008) (18 A.A.C. 2, Art. 2)

ADEQ is proposing to amend its current standards for Particulate Matter: PM10 and PM2.5, R18-2-201, and Ozone: 1-hour standard and 8-hour averaged standard, R18-2-203, to add the 2006 and 2008 EPA NAAQS concentration standards, updating the primary and secondary attainment standards for PM2.5 and 8-hour ozone.

Draft: Completed in June 2008

Docket Opening: [14 A.A.R. 2245](#); June 6, 2008

Contact: [Thomas Luch](#) (602) 771-4480

Mercury Rule Revision 2008 (18 A.A.C. 2, Art. 7)

ADEQ is considering amending its rules requiring reductions in mercury emissions from coal-fired power plants (A.A.C. R18-2-733, R18-2-733.01 and R18-2-734) to take into account the decision of the D.C. Circuit Court of Appeals in *New Jersey v. EPA*, No. 05-1097 (D.C. Cir. Feb. 8, 2008) vacating EPA's Clean Air Mercury Rule. Due to the invalidation, new rules are needed to preserve the monitoring, reporting, record keeping, and technical components of the CAMR rule, as a means to accomplish the 90% Hg reduction by 2014.

Docket Opening: [14 A.A.R. 1102](#); April 4, 2008

Contact: [Steve Burr](#) (602) 771-4251

Repeal of Appendices 10 & 11 (18 A.A.C. 2, Art. 17)

ADEQ has determined that the information contained in Appendix 10 is out of date and does not comply with the

current monitoring protocols as designed by EPA. ADEQ has also determined that Appendix 11 is no longer useful because the actual values must be calculated using the equation included in the rules, not the graph. As part of this rulemaking, other rules from the Arizona Administrative Code must be amended to reflect these changes.

Docket Opening: [14 A.A.R. 1242](#); April 18, 2008

Proposed Rulemaking: [14 A.A.R. 3267](#); Aug. 22, 2008

Public Hearing: Sept. 30, 2008

GRRC Hearing: Jan. 6, 2009 (approved)

Contact: [Danielle Dancho](#) (602) 771-4210

Test Methods Updates

(18 AAC 2, Articles 1, 2, 3 and Appendix 2)

The Arizona Department of Environmental Quality is considering incorporating all EPA-approved test methods and protocols into its incorporated materials rule R18-2-102, and Appendix 2. These additions will be cross-referenced within rules R18-2-215, ambient air quality monitoring methods and procedures; and R18-2-311, air pollution test methods and procedures.

Docket Opening: [14 A.A.R. 4933](#); Dec. 26, 2008

Proposed Rulemaking: May 2009

Public Hearing: June 2009 in Phoenix

Contact: [Thomas Luch](#) (602) 771-4480

TANK PROGRAMS DIVISION

Energy Policy Act (18 A.A.C. 12, Art. 1, 2, 8 & 10)

ADEQ is proposing rules: 1) to implement underground storage tank (UST) secondary containment requirements of the federal Energy Policy Act of 2005; 2) to delete or simplify specific UST corrective action requirements; and 3) to technically update current rules addressing industry practices and performance standards documents of independent professional agencies that are used by ADEQ to determine compliance with UST operational and corrective action requirements.

Anticipated Draft: March 2009

Contact: [Ron Kern](#) (602) 771-4242

WASTE PROGRAMS DIVISION

Hazardous Waste Rule Amendments (2007) (18 A.A.C. 8, Art. 2)

ADEQ is considering amendments to state hazardous waste rules that incorporate the text of federal regulations to cover changes in the federal regulations through at least June 30, 2007.

Docket Opening: [14 A.A.R. 753](#); March 7, 2008

Contact: [Mark Lewandowski](#) (602) 771-2230

WASTE PROGRAMS DIVISION (con't)**WQARF Site Scoring Rule Amendments
(18 A.A.C. 16, Art. 2)**

ADEQ is considering amendments to the existing rule regarding the scoring of sites for placement on the Water Quality Assurance Revolving Fund (WQARF) Registry. The current site scoring rule incorporates by reference an eligibility and evaluation site scoring model that was established in October 1996. ADEQ plans to update the current rule (R18-16-202) with a new eligibility and evaluation site scoring model.

Docket Opening: 14 A.A.R. 849; March 21, 2008

Contact: Peggy J. Guichard-Watters (602) 771-4117

**Special Waste/Petroleum Contaminated Soil
(18 A.A.C. 13, Art. 13 and Art. 16)**

ADEQ is considering amendments to the rules governing the management, treatment, storage, and disposal of special waste. Special waste is defined by A.R.S. § 49-852 as waste that contains petroleum contaminated soils and waste from shredding motor vehicles, and is currently regulated by two rules. The first, Title 18, Chapter 13, Art. 13, regulates registration, manifesting, and fees for both petroleum contaminated soils (PCS), and shredder residue, and provides best management practices (BMPs) for facilities shredding motor vehicles. The second, Title 18, Chapter 13, Art. 16, provides BMPs for handling PCS only. Although both rules address the handling of special waste, they were written at different times using different regulatory philosophies, often resulting in inconsistencies between the two rules. In some cases the rules did not envision numerous special waste handling scenarios which have since become issues that must be addressed in rule in order to provide clear direction for the safe and proper handling of special waste.

ADEQ proposes to combine Title 18, Chapter 13, Art. 13 (Special Waste) with Chapter 13, Art. 16 (Best Management Practices for Petroleum Contaminated Soil) into one rule as Title 18, Chapter 13, Art. 13 (Special Waste). These revisions will rectify contradictions between the two original rules and existing rules and statute, and create a uniform and consistent regulatory structure for all special waste. Revisions also will provide clear direction on waste handling procedures previously not addressed.

Informal stakeholder meetings were held to discuss ADEQ's preliminary draft of the rules on Nov. 4, 2005, Dec. 9, 2005, Jan. 19, 2006 and Jan. 23, 2006. Subsequent meetings will be scheduled as needed.

Docket Opening: 14 A.A.R. 1103; April 4, 2008

Contact: Mindi Cross (602) 771-4418

**Integrated Solid Waste Regulatory Framework
(18 A.A.C. 13)**

The purpose of this rulemaking is to establish a systematic and comprehensive framework for regulating solid waste facilities and solid waste streams in Arizona. This rulemaking will integrate and implement statutory provisions related to best management practices, self-certification requirements, plan approval procedures, financial assurance requirements, design and operation rules for solid waste facilities, and other topics. The types of facilities that may be affected by this rulemaking include landfills, treatment facilities, transfer facilities, composting facilities and recycling facilities.

ADEQ has engaged in extensive informal public participation with this rulemaking and has held in excess of fifteen stakeholder workshops. Stakeholders have provided substantial comment on draft rule text. Information about the informal stakeholder process is available at <http://www.azdeq.gov/enviro/waste/solid/integrated.html>. ADEQ intends to file a Notice of Proposed Rulemaking early in 2009.

Docket Opening: 14 A.A.R. 537; Feb. 22, 2008

Contact: Martha Seaman (602) 771-2221

**Engineering Controls/Financial Assurance Rules
(18 A.A.C. 7, Art. 7)**

A.R.S. § 49-152.01 establishes requirements for a property owner who elects to use an engineering control to meet requirements for cleaning up contaminated property. An engineering control is defined as a remediation method such as a barrier or cap that is used to prevent or minimize exposure to contaminants and that includes technologies that reduce the mobility or migration of contaminants. This new rule will provide details as to how to implement the provisions of A.R.S. § 49-152.01, which specify requirements for an engineering control plan and for financial assurance mechanisms that are intended to cover the costs of maintaining and restoring an engineering control. A draft rule is currently being evaluated internally.

Docket Opening: 14 A.A.R. 897; March 28, 2008

Contact: Ren Willis-Frances (602) 771-4109

**Greenfields Pilot Program
(18 A.A.C. 7, Art. 4)**

The Greenfields Pilot Program was established by the Legislature in 1997 to provide for the redevelopment or other use of parcels of land that have soil contamination. The program was to consist of not more than one hundred sites that were owned by persons who voluntarily applied to the program and that were certified by a remediation specialist to be a site that was subject to soil contamination that had not impacted groundwater. A site selected for the Greenfields Pilot Program was to be remediated

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under the active supervision of a certified remediation specialist. As authorized by A.R.S. §49-154.G., ADEQ established by rule a fee for the Greenfields Pilot Program. The Greenfields Pilot Program was authorized by the Legislature for a period of ten years. Effective January 1, 2008, the authorizing statutes (A.R.S. §49-153 through 157) were repealed. Therefore, the existing fee rule for the program is now obsolete. The rule was repealed by GRRC on Jan. 6, 2009.

Docket Opening: [14 A.A.R. 3132](#); Aug. 1, 2008

Proposed Rulemaking: [14 A.A.R. 2975](#); Aug. 1, 2008

GRRC Meeting: Jan. 6, 2009 (approved)

Final Rulemaking: Anticipate publication Jan. 30, 2009

Effective Date: March 7, 2009

Contact: [Peggy J. Guichard-Watters](#) (602) 771-4117

Budget Reconciliation Solid Waste Fee Rules (18 A.A.C. 13, Art. 26)

Pursuant to Laws 2008, Chapter 291, Section 12, ADEQ is authorized to raise fees to increase revenue and is exempt from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes. ADEQ, however, opted to write rules to establish the new fee rates. This rulemaking raises specific fees charged by the agency for the period of time from September 26, 2008 through June 30, 2009. The fees affected by this rulemaking are the Solid Waste Facility Plan Review Fee, the Landfill Registration Fees, and the Special Management Fees, all of which are deposited into the Solid Waste Fee Fund.

Docket Opening: Exempt

Proposed Rulemaking: Exempt

Public Hearing: Exempt

GRRC Hearing: Exempt

Final Rulemaking: Exempt

Notice of Exempt Rulemaking: [14 A.A.R. 4258](#); Nov. 14, 2008

Effective Date: Oct. 20, 2008

Contact: [Ren Willis-Frances](#) (602) 771-4109

WATER QUALITY DIVISION

Operator Certification (18 A.A.C. 5, Art. 1)

On December 2, 2008, the Governor's Regulatory Review Council approved ADEQ's changes to this rule. This rule clarifies the process for suspending or revoking the certificate of an operator of a public drinking water system or wastewater system in Arizona. Specifically, the changes give the Department the authority to permanently revoke the certification for an operator of a public water system or wastewater system. Due to the potential public health and environmental risks of recertifying an operator whose

prior behavior justified revocation of the operator's certification, ADEQ removed the provision previously in the rule that allowed an operator whose license was revoked to be readmitted one year after revocation simply by passing the exam.

Docket Opening: [14 A.A.R. 3296](#); Aug. 22, 2008

Proposed Rulemaking: [14 A.A.R. 3289](#); Aug. 22, 2008

Public Hearing: Sept. 25, 2008 in Phoenix

Close of Comments: Sept. 25, 2008

GRRC Meeting: Dec. 2, 2008 (approved)

Final Rulemaking: [14 A.A.R. 4527](#); Dec. 12, 2008

Effective Date: Jan. 31, 2009

Contact: [Sean McCabe](#) (602) 771-4600

Safe Drinking Water Incorporation by Reference (18 A.A.C. 4)

The primary purpose of this rulemaking is to incorporate EPA's safe drinking water regulations by reference. The rulemaking will update Arizona's safe drinking water rules by incorporating the rule amendments that EPA has adopted since the department last updated its safe drinking water rules, and facilitate future updates to the department's safe drinking water rules.

Docket Opening: [13 A.A.R. 2688](#); Aug. 3, 2007

Proposed Rulemaking: [14 A.A.R. 567](#); Feb. 29, 2008

Docket Opening: [14 A.A.R. 752](#); March 7, 2008

Proposed Rulemaking: [14 A.A.R. 749](#); March 7, 2008

Public Hearing: April 1, 2008 in Phoenix, April 3, 2008 in Tucson

GRRC Meeting: July 1, 2008 (approved)

Final Rulemaking: [14 A.A.R. 2978](#); Aug. 1, 2008

Effective Date: Aug. 30, 2008

Contact: [Sean McCabe](#) (602) 771-4600

Surface Water Quality Standards (18 A.A.C. 11, Art. 1)

ADEQ proposes to update the Surface Water Quality Standards rules by amending definitions; clarifying the applicability of the water quality standards rules; modifying designated uses; proposing new antidegradation implementation procedures; adopting new narrative water quality standards including a new narrative biocriterion; propose new numeric water quality criteria to protect human health; adopting new or revised water quality criteria for suspended sediment in surface waters; classifying new effluent dependent waters (EDWs); adopting numeric water quality criteria for total ammonia to maintain and protect water quality for aquatic life in EDWs; amending Appendix A by updating the water quality criteria to protect human health and aquatic life; and amending Appendix B by modifying the designated uses listed for surface waters.

Docket Opening: [14 A.A.R. 897](#); March 28, 2008

Proposed Rulemaking: [14 A.A.R. 959](#); April 4, 2008 and [14 A.A.R. 1281](#); April 25, 2008

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Public Hearing: May 13, 2008 in Phoenix, May 19, 2008 in Tucson

GRRC Hearing: Dec. 2, 2008 (approved)

Final Rulemaking: [14 A.A.R. 4708](#); Dec. 26, 2008

Effective Date of Rule: Jan. 31, 2009

Contact: [Shirley Conard](#) (602) 771-4632

**Aquifer Water Quality Standards
(18 A.A.C. 11, Art. 4)**

This Article establishes aquifer water quality standards. These standards apply to facilities licensed under the Aquifer Protection Permit (APP) program, which discharge pollutants to groundwater and guides remedial and corrective actions by various Department programs, such as Water Quality Assurance Revolving Fund (WQARF), Underground Storage Tank (UST) and Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

The rulemaking will adjust aquifer water quality standards for uranium, arsenic and disinfection byproducts to be consistent with the new federal primary drinking water standards adopted by the Environmental Protection Agency (EPA) as required by A.R.S. § 49-223(A).

Docket Opening: [13 A.A.R. 2689](#); Aug. 3, 2007

Contact: [Anna Ochoa, J.D.](#) (602) 771-4589

**Public Water Systems Engineering Review Fees
(18 A.A.C. 14, Art. 2)**

Pursuant to 18 A.A.C. 5, Article 5, Minimum Design Criteria, ADEQ prescribes minimum design standards for public water systems, and reviews plans and specifications for the systems. The purpose of this rulemaking is to establish, by administrative rule, fees for performing technical reviews of plans for public water systems. ADEQ has a statutory responsibility to review plans for these facilities and to assess fees for its reviews. A.R.S. § 49-353(A).

Docket Opening: [13 A.A.R. 2690](#); Aug. 3, 2007

Proposed Rulemaking: [14 A.A.R. 2328](#); June 13, 2008

Public Hearing: July 15, 2008 in Phoenix

GRRC Hearing: Oct. 7, 2008 (approved)

Final Rulemaking: [14 A.A.R. 4102](#); Oct. 31, 2008

Effective Date of Rule: Dec. 6, 2008

Contact: [Sean McCabe](#) (602) 771-4600 or
[Anna Ochoa, J.D.](#) (602) 771-4589

**Minimum Design Criteria for Public Water
Systems (18 A.A.C. 5, Article 1)**

ADEQ is proposing to amend the rules that specify design standards for public water systems, and provide for simplified administrative procedures for approving structural revisions for small water systems.

Contact: [Wendy LeStarge](#) (602) 771-4836

Biosolids (18 A.A.C. 9, Art. 10)

Pursuant to 18 A.A.C. 9, Article 10, the Department prescribes rules to promote the safe and beneficial use of biosolids also known as sewage sludge, and for its safe use and disposal. This rulemaking proposes to clarify and update those rules based on the Department's experience implementing this program and to ensure consistency with U.S. Environmental Protection Agency regulations under 40 CFR 503 for which the Department assumed primacy in 2001 during its establishment of the initial the Arizona Pollutant Discharge Elimination System (AZPDES) program. In addition, this rulemaking will make necessary grammatical and technical modifications, amendments and corrections.

Docket Opening: [14 A.A.R. 3444](#); Aug. 29, 2008

Contact: [Anna Ochoa, J.D.](#) (602) 771-4589